

**Title 12 Recodification Project
Articles 47.1 and 47.2 - Gaming
Email with draft sent 9/25/2017**

Article & Topic	Staff
Article 47.1 Limited Gaming	Esther van Mourik
Article 47.2 Tribal-state Gaming Compact	

No meeting was held. The email sent on September 25th sought input from stakeholders no later than Friday, October 6th. Only one response was received. Ceri Williams of the Attorney General's Office provided the following input:

Dear Esther –

We have finished our review of the Title 12 relocation (Articles 47.1 and 47.2 and the Title 24 Gambling Payment Intercept Act).

We have 2 proposed changes. The first concerns the deletion of a duplicate section that was in the Limited Gaming Act. Section 12-47.1-517 – Buildings - accessible to persons with disabilities (now 44-30-516) is duplicated in 12-47.1-834 – Buildings - accessible to persons with disabilities (now 44-30-833). As they are identical, we suggest removing one of them, and the 834 (833) may cause the least numbering changes.

The second, is that in reference to the comment regarding 12-47.1-103(4.5) (now 44-30-103(7)), it appears that the referenced federal law (16 U.S.C. sec. 470a(c)(1)) has been moved and is now “54 U.S.C. sec. 302503” so we suggest replacing the repealed citation with this one. Attached is the relevant federal law.¹

Thank you so much for your consideration of these changes! Please let me know if I can answer any questions or be of further assistance.

Best regards,

Ceri Williams
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¹ See Addendum A

Addendum A

[United States Code Annotated](#)

[Title 54. National Park Service and Related Programs \(Refs & Annos\)](#)

[Subtitle III. National Preservation Programs](#)

[Division a. Historic Preservation](#)

[Subdivision 2. Historic Preservation Program](#)

[Chapter 3025. Certification of Local Governments](#)

54 U.S.C.A. § 302501

Formerly cited as 16 USCA § 470a

§ 302501. Definitions

Effective: December 19, 2014

[Currentness](#)

In this chapter:

(1) Designation.--The term “designation” means the identification and registration of property for protection that meets criteria established by a State or locality for significant historic property within the jurisdiction of a local government.

(2) Protection.--The term “protection” means protection by means of a local review process under State or local law for proposed demolition of, changes to, or other action that may affect historic property designated pursuant to this chapter.

CREDIT(S)

([Pub.L. 113-287](#), § 3, Dec. 19, 2014, 128 Stat. 3197.)

54 U.S.C.A. § 302501, 54 USCA § 302501

Current through P.L. 115-60. Title 26 current through 115-61.

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[Chapter 3025. Certification of Local Governments](#)

54 U.S.C.A. § 302502

Formerly cited as 16 USCA § 470a

§ 302502. Certification as part of State program

Effective: December 19, 2014

[Currentness](#)

Any State program approved under this subdivision shall provide a mechanism for the certification by the State Historic Preservation Officer of local governments to carry out the purposes of this division and provide for the transfer, in accordance with [section 302902\(c\)\(4\)](#) of this title, of a portion of the grants received by the States under this division, to those local governments.

CREDIT(S)

([Pub.L. 113-287](#), § 3, Dec. 19, 2014, 128 Stat. 3197.)

54 U.S.C.A. § 302502, 54 USCA § 302502

Current through P.L. 115-60. Title 26 current through 115-61.

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[Chapter 3025. Certification of Local Governments](#)

54 U.S.C.A. § 302503

Formerly cited as 16 USCA § 470a

§ 302503. Requirements for certification

Effective: December 19, 2014

[Currentness](#)

(a) Approved State program.--Any local government shall be certified to participate under this section if the applicable State Historic Preservation Officer, and the Secretary, certify that the local government--

(1) enforces appropriate State or local legislation for the designation and protection of historic property;

(2) has established an adequate and qualified historic preservation review commission by State or local legislation;

(3) maintains a system for the survey and inventory of historic property that furthers the purposes of chapter 3023;

(4) provides for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register; and

(5) satisfactorily performs the responsibilities delegated to it under this division.

(b) No approved State program.--Where there is no State program approved under [sections 302301](#) and [302302](#) of this title, a local government may be certified by the Secretary if the Secretary determines that the local government meets the requirements of subsection (a). The Secretary may make grants to the local government certified under this subsection for purposes of this subdivision.

CREDIT(S)

§ 302503. Requirements for certification, 54 USCA § 302503

([Pub.L. 113-287](#), § 3, Dec. 19, 2014, 128 Stat. 3197.)

54 U.S.C.A. § 302503, 54 USCA § 302503

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[Chapter 3025. Certification of Local Governments](#)

54 U.S.C.A. § 302504

Formerly cited as 16 USCA § 470a

§ 302504. Participation of certified local governments in National Register nominations

Effective: December 19, 2014

[Currentness](#)

(a) Notice.--Before a property within the jurisdiction of a certified local government may be considered by a State to be nominated to the Secretary for inclusion on the National Register, the State Historic Preservation Officer shall notify the owner, the applicable chief local elected official, and the local historic preservation commission.

(b) Report.--The local historic preservation commission, after reasonable opportunity for public comment, shall prepare a report as to whether the property, in the Commission's opinion, meets the criteria of the National Register. Within 60 days of notice from the State Historic Preservation Officer, the chief local elected official shall transmit the report of the commission and the recommendation of the local official to the State Historic Preservation Officer.

(c) Recommendation.--

(1) Property nominated to National Register.--Except as provided in paragraph (2), after receipt of the report and recommendation, or if no report and recommendation are received within 60 days, the State shall make the nomination pursuant to [section 302104](#) of this title. The State may expedite the process with the concurrence of the certified local government.

(2) Property not nominated to National Register.--If both the commission and the chief local elected official recommend that a property not be nominated to the National Register, the State Historic Preservation Officer shall take no further action, unless, within 30 days of the receipt of the recommendation by the State Historic Preservation Officer, an appeal is filed with the State. If an appeal is filed, the State shall follow the procedures for making a nomination pursuant to [section 302104](#) of this title. Any report and recommendations made under this section shall be included with any nomination submitted by the State to the Secretary.

CREDIT(S)

§ 302504. Participation of certified local governments in..., 54 USCA § 302504

([Pub.L. 113-287](#), § 3, Dec. 19, 2014, 128 Stat. 3198.)

54 U.S.C.A. § 302504, 54 USCA § 302504

Current through P.L. 115-60. Title 26 current through 115-61.

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Title 54. National Park Service and Related Programs (Refs & Annos)

Subtitle III. National Preservation Programs

Division a. Historic Preservation

Subdivision 2. Historic Preservation Program

Chapter 3025. Certification of Local Governments

54 U.S.C.A. § 302505

Formerly cited as 16 USCA § 470a

§ 302505. Eligibility and responsibility of certified local government

Effective: December 19, 2014

[Currentness](#)

Any local government--

(1) that is certified under this chapter shall be eligible for funds under [section 302902\(c\)\(4\)](#) of this title; and

(2) that is certified, or making efforts to become certified, under this chapter shall carry out any responsibilities delegated to it in accordance with such terms and conditions as the Secretary considers necessary or advisable.

CREDIT(S)

([Pub.L. 113-287](#), § 3, Dec. 19, 2014, 128 Stat. 3198.)

54 U.S.C.A. § 302505, 54 USCA § 302505

Current through P.L. 115-60. Title 26 current through 115-61.

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